

**BROKEN ARROW CITY COUNCIL MEETING MINUTES
DECEMBER 16, 2002**

1. The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Monday, December 16, 2002, at 7:30 P.M. Mayor James C. Reynolds called the meeting to order.

Present: Mayor James C. Reynolds
Vice-Mayor Tony Petrik
Councilman Richard Carter
Councilman Craig Thurmond
Councilman Wade McCaleb

Staff Present: Michael D. Kadlecik, City Manager
Wayne Bishop, Communications Coordinator
Gary Blackford, Special Business Administrator
Justin Cook, Director of Engineering
Branon Dodd, Safety & Risk Manager
Scott Esmond, Parks & Recreation Director
Jay Heinrichs, Controller
Carolyn Kusler, Police Chief
Brent Murphy, Assistant City Planner
Ron Osborn, Fire Chief
Brenda Ray, Administrative Services Director/City Clerk
Allen Stanton, Chief Building Inspector
Michael Vanderburg, City Attorney
Dave Wooden, Public Works Director

3. Mayor Reynolds recognized members of Boy Scout Troop 935, from First United Methodist Church. Two of the scouts led the Council and audience in the pledge of allegiance.

4A. The Council considered the approval of regular meeting minutes of December 2, 2002 .

Motion by Petrik, second by Carter to approve the regular meeting minutes of December 2, 2002.

Aye: McCaleb, Carter, Petrik, Reynolds
Nay: None
Abstain: Thurmond
Motion carried.

5A. The Council considered a presentation by the Broken Arrow Patriotism Committee. Councilman McCaleb presented the recommendations of the Committee which include a Flag Day celebration on the 2nd Saturday of June each year; designating a portion of the South Loop as 'Liberty Memorial Parkway' remembering September 11, 2001; creation of a patriotic display

in Neinhuis Park through a community fundraising effort and; an expansion of the membership of the Committee. In response to Mayor Reynolds, Councilman McCaleb stated the Committee has 8 members and they would like a total of 15. Vice-Mayor Petrik stated the display is lovely and the expansion of the membership is a good idea. Councilman McCaleb noted the designation of the South Loop must be a request of the City Council.

Motion by Petrik, second by Carter to approve the recommendations of the Patriotism committee.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

5B. The Council considered the presentation of the National Weather Service StormReady Accreditation Re-certification Award. Safety & Risk Manager Branon Dodd stated the City is being recognized for its re-certification as a National Weather Service StormReady Community. Steve Pilz and George Matthews of the National Weather Service, were present to recognize the City as one of 500 communities throughout the nation who have this accreditation. Vice-Mayor Petrik thanked the National weather Service for the presentation and complimented the work of city crews during winter storms.

5C. The Council considered the Public hearing on 139th East Avenue Assessment District. City Attorney Michael Vanderburg presented the item and noted the assessments must be prepared by September 1, 2003. Mayor Reynolds opened and closed the hearing. There were no comments received.

Motion by Petrik, second by Carter to set the interest rate and schedule the adoption of the amended assessing ordinance and the emergency clause.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

5D. The Council considered the Public hearing to abate general public nuisances. Mayor Reynolds noted there is a revised list. There was no one present on the property.

TRASH
316 W. Memphis St

Motion by Petrik, second by Carter to declare the lots a public nuisance and authorize the lots to be abated at costs to the property owners of \$225.00 per hour and if the costs are not paid, to authorize the City Clerk to certify the costs as a lien against the property.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

7A. The Council considered Conditional Final Plat PT02-120, DN02-170, Oklahoma Natural Gas Service Center, 15.6 acres, one-third mile north of New Orleans Street on the east side of First Place. Assistant City Planner Brent Murphy presented the plat. The engineer was present. There were no protestants.

Motion by Petrik, second by Carter to approve the conditional final plat of Oklahoma Natural Gas Broken Arrow Service Center subject to checklist conditions.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

8A. The Council considered possible action on review of issues arising from the scheduled election on the Cox franchise and for the possible repeal or suspension of Resolution No. 337, which calls for an election. City Attorney Michael Vanderburg presented the item. He stated Tuesday, May 13, 2003 has been suggested as an alternate election date, which could be achieved through the adoption of an amended resolution. Charles Norman, attorney for Cox, stated the Judge is anticipated to have a ruling in March 2003. He complimented City staff for their cooperation and stated the issues are being fairly represented by both parties.

Motion by Petrik, second by Carter to approve Resolution 337 Amended.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

6. Under Citizen's Opportunity to Address the Council no one was present.

9. Under City Manager's Report none was submitted.

10. The Council considered the Ordinances for preview.

A. An ordinance annexing certain contiguous tracts of land in Section 19, Township 18 North, Range 15 East of the Indian Base and meridian, Wagoner County, Oklahoma, to the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency. This land is generally at 9625 South 193rd East Avenue on the east side of County Line Road and roughly ½ mile south of Washington (91st Street).

B. An ordinance annexing certain contiguous tracts of land in Section 30, Township 19 North, Range 15 East of the Indian Base and Meridian, Wagoner County, Oklahoma, to the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency. This land is generally at 209th Street and 45th Street on the west side of 209th Street.

City Attorney Michael Vanderburg presented the preview Ordinances.

Motion by Petrik, second by Carter to advance the ordinances to the January 6, 2003 meeting for possible adoption.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

11. The Council considered the Ordinances for adoption.

- A. Ordinance No. 2502 - An ordinance amending the Broken Arrow Code, Sections 24-608 and 24-609 inclusive, by increasing the Special Contract and Inside the City Limit Charges by an additional four cents (\$.04) for costs per 1,000 gallons of water received, and increasing the Outside City Limit Charges to the standard 1.3 times the Inside City Limit Charges made for water service received from the City of Broken Arrow, Oklahoma; providing for an effective date; repealing all ordinances to the contrary; and declaring an emergency.
- B. Ordinance No. 2503 - An ordinance amending the Broken Arrow Code by amending Section 16-10 (a); adding bidis to the list of substances that cannot be provided to or possessed by minors; providing a penalty; repealing all ordinances to the contrary; and declaring an emergency.
- C. Ordinance No. 2504 - An ordinance amending the Broken Arrow Code by adding Section 23-22.1; providing for operation of electric personal assistive mobility device on sidewalks, bikeways, and municipal streets with certain limitations; stating requirements for operation of device; providing for penalties; repealing all ordinances to the contrary; and declaring an emergency.
- D. Ordinance No. 2505 - An ordinance amending the Broken Arrow Code by amending Section 23-37(c) by removing the exemption of non-resident drivers from the child restraining system requirements; providing a penalty; repealing all ordinances to the contrary; and declaring an emergency.
- E. Ordinance No. 2506 - An ordinance amending the Broken Arrow Code by amending Section 16-18 (A); adding down payments to the items that involve false or bogus checks; providing a penalty; repealing all ordinances to the contrary; and declaring an emergency.
- F. Ordinance No. 2507 - An ordinance closing a Waterline Easement filed in the Tulsa County Clerk's Office in Book 2452 Page 0243, and dedicated to the City of Broken Arrow, located in SE/4 of Section 2, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma,

according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency.

- G. Ordinance No. 2508 - An ordinance partially closing a utility easement dedicated to the public, located at Lot 10, Block 2, Millicent Park Addition, whereupon a house is built in an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency.

City Attorney Michael Vanderburg stated the language concerning the mobility device in Ordinance 2504 has been modified to clarify design characteristics of the device.

Motion by Petrik, second by Carter to adopt Ordinance Nos. 2502-2508.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

Motion by Thurmond, second by McCaleb to adopt the Emergency Clauses of Ordinance Nos. 2502-2508.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

12. The Council considered the Consent Agenda.

- A. Approval of payroll for December 20, 2002 and January 3, 2003.
- B. Approval of and authorization for the Mayor to execute Resolution No. 347, Notice of Election for the purpose of electing officers of the City of Broken Arrow in a non-partisan general election to be held on Tuesday, April 1, 2003, for a City Council member from Ward 3, Ward 4, and At Large, and establishing the filing period for candidates.
- C. Approval of and authorization for the Mayor to execute a renewal contract with Storey Wrecker Service for the term December 3, 2002 through December 2, 2003.
- D. Approval of and authorization for the Mayor to execute a "Termination Agreement and Bill of Sale" with AT & T Wireless Services, successor to Tulsa Cellular Telephone Company, in connection with the Tower/Lease Agreement for the location of Tiger Hill (corner of 71st and Lynn Lane).
- E. Approval of Oklahoma DEQ permits for water lines and appurtenances to serve the 139th Water District at Florence Street and the Cedar Ridge Christian Church.

- F. Approval of Oklahoma DEQ permit for sewer line and appurtenances to serve Elmwood Estates Fourth.
- G. Acceptance of Utility Easement from Detrick Lynn lane Partnership (S35 T19N R14E) ((Project: Lynn Lane Widening).
- H. Approval of Claims List.

Vice-Mayor Petrik requested Item B be pulled from the Consent Agenda.

Motion by Carter, second by Petrik to approve all items on the Consent Agenda with the exception of Item B.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

13. The Council considered Items Removed from Consent Agenda. Vice-Mayor Petrik announced he will be seeking re-election to the Council in April 2003.

- B. Approval of and authorization for the Mayor to execute Resolution No. 347, Notice of Election for the purpose of electing officers of the City of Broken Arrow in a non-partisan general election to be held on Tuesday, April 1, 2003, for a City Council member from Ward 3, Ward 4, and At Large, and establishing the filing period for candidates.

Motion by Petrik, second by Carter to approve Consent Agenda Item B.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

City Attorney Michael Vanderburg stated, in regard to Item C of the Consent Agenda, the contract was dated earlier this month so the Council's action is for ratification.

14. Under Remarks and Inquiries by Governing Body Members Vice-Mayor Petrik inquired about the status of signal lights at Elm Pl. and the Creek Turnpike. Public Works Director Dave Wooden stated the contractor has been on-site for the past four weeks and they are still trying to make the necessary corrections. He noted the loops have still not been installed.

Councilman McCaleb inquired about the status of the signal lights at 129th E. Avenue. Mr. Wooden stated the loops are in but have not been turned on as they are waiting on acceptance of other signals.

Motion by Petrik, second by Carter to recess to Broken Arrow Municipal Authority before returning for Executive Session.

Mayor Reynolds reconvened the regular session at 8:13 PM.

Mayor Reynolds noted the sound system functioned properly this evening. Chief Building Inspector Allen Stanton stated there are 2 faulty parts that are being replaced. He also noted the system has been operating now for almost 12 hours without a failure.

Motion by Petrik, second by Carter to proceed into Executive Session.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

15. **Executive Session:** for the purpose of confidential communications between the City Council and its attorney concerning a report and possible settlement in the case of Pax v City of Broken Arrow, all under 25 O.S. § 307B4. In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, or proceeding in the public interest; ultimately, this determination must be made by the Council.

Mayor Reynolds reconvened the regular session at 8:37 PM.

16. Adjournment

Motion by Petrik, second by McCaleb to adjourn.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

The meeting was adjourned.

**BROKEN ARROW MUNICIPAL AUTHORITY MEETING MINUTES
DECEMBER 16, 2002**

1. The Broken Arrow Municipal Authority met in regular session in the City Hall Council Chambers on Monday, December 16, 2002, after the Broken Arrow City Council meeting, which began at 7:30 p.m. Chairman James C. Reynolds called the meeting to order. Authority members present were as follows:

Present: Chairman James C. Reynolds
Vice-Chairman Tony Petrik
Mr. Richard Carter
Mr. Craig Thurmond
Mr. Wade McCaleb

Staff Present: Michael D. Kadlecik, City Manager
Wayne Bishop, Communications Coordinator
Gary Blackford, Special Business Administrator
Justin Cook, Director of Engineering
Branon Dodd, Safety & Risk Manager
Scott Esmond, Parks & Recreation Director
Jay Heinrichs, Controller
Carolyn Kusler, Police Chief
Brent Murphy, Assistant City Planner
Ron Osborn, Fire Chief
Brenda Ray, Administrative Services Director/City Clerk
Allen Stanton, Chief Building Inspector
Michael Vanderburg, City Attorney
Dave Wooden, Public Works Director

3. The Authority considered approval of minutes of the regular meeting of December 2, 2002.

Motion by Petrik, second by Carter to approve the minutes of December 2, 2002.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

4. The Authority considered authorization for the Mayor to execute the contract between the City and Magnum Construction for the construction of improvements and expansion of the Lynn lane Wastewater Treatment facility. City Manager Michael Kadlecik presented the item.

Motion by Petrik, second by Carter to authorize the Mayor to execute the contract with Magnum Construction in the amount of \$433,000.00.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

5. The Authority considered approval of payroll for December 20, 2002 and January 3, 2003.

Motion by Carter, second by Petrik to approve payroll for December 20, 2002 and January 3, 2003.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

6. The Authority considered approval of claims.

Motion by Petrik, second by Thurmond to approve the claims list.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

7. There were no remarks or inquiries by Governing Body Members.

8. Adjournment

Motion by Petrik, second by Carter to adjourn.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

The meeting was adjourned.